

**Meeting of the Central Valley Flood Protection Board  
January 16, 2009**

**Draft Staff Report  
Floodway Protection Section**

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**Item**

Consider approval of Permit No. 18378 (Attachment A) to clear and grub vegetation on the landside slope of the left (east) bank levee of the Sacramento River along Horseshoe Bend in Sacramento County.

**Applicant**

Reclamation District 341

**Location**

The project is located north of Antioch along Horseshoe Bend and State Highway 160. (Sacramento River, Sacramento County see Attachment B).

**Description**

To clear and grub approximately 5,500-linear-feet of vegetation on the landside slope of the left (east) bank levee of the Sacramento River along Horseshoe Bend in Sacramento County.

**Agency Comments and Endorsements:**

- RD 341 has endorsed this application.
- The U. S. Army Corps of Engineers endorsement has **not** been received and is **not** anticipated to be received prior to the January 16, 2009 Board meeting.

**Proposed CEQA Determination of Exemption:**

Board staff has prepared the following CEQA determination:

Reclamation District 341 (RD), as lead agency under CEQA, approved the project (Horseshoe Bend Landside Levee Vegetation Removal Project) on May 9, 2008 and determined that the project was categorically exempt under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering maintenance of existing facilities.

The Board, acting as a responsible agency under CEQA, has reviewed the RD determination and has independently determined that the project is exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering maintenance of existing facilities.

### **Section 8610.5 Compliance**

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has positive effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

### **Staff Recommendation**

Staff recommends that the Board determine the project to be exempt from CEQA, approve the permit, and to delegate the authority to issue the permit to the Executive Officer upon receipt of the U. S. Army Corps of Engineers endorsement letter.

### **List of Attachments**

- A. Permit
- B. Location maps and photos

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18378 BD**

**This Permit is issued to:**

Reclamation District 341  
PO Box 536  
Rio Vista, California 94571

To clear and grub approximately 5,500-linear-feet of vegetation on the landside slope of the left (east) bank levee of the Sacramento River along Horseshoe Bend. The project is located north of Antioch along Horseshoe Bend and State Highway 160 (Section 26, T3N, R2E, MDB&M, Reclamation District 341, Sacramento River, Sacramento County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18378 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**FOURTEEN:** The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

**FIFTEEN:** The permittee is responsible for the repair of any damage to the levee and 10 feet landward of the levee toe resulting from felled trees following each occurrence and/or removal of large root balls.

**SIXTEEN:** No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

**SEVENTEEN:** All surface vegetation on the levee and 10 feet landward of the levee toe shall be removed to a depth of 6 inches. Organic soil and roots larger than 1-1/2 inches in diameter shall be removed to a depth of 3 feet.

**EIGHTEEN:** Cleared trees and brush (or prunings therefrom) shall be completely burned or removed from the levee and 10 feet landward of the levee toe prior to flood season from November 1 to April 15.

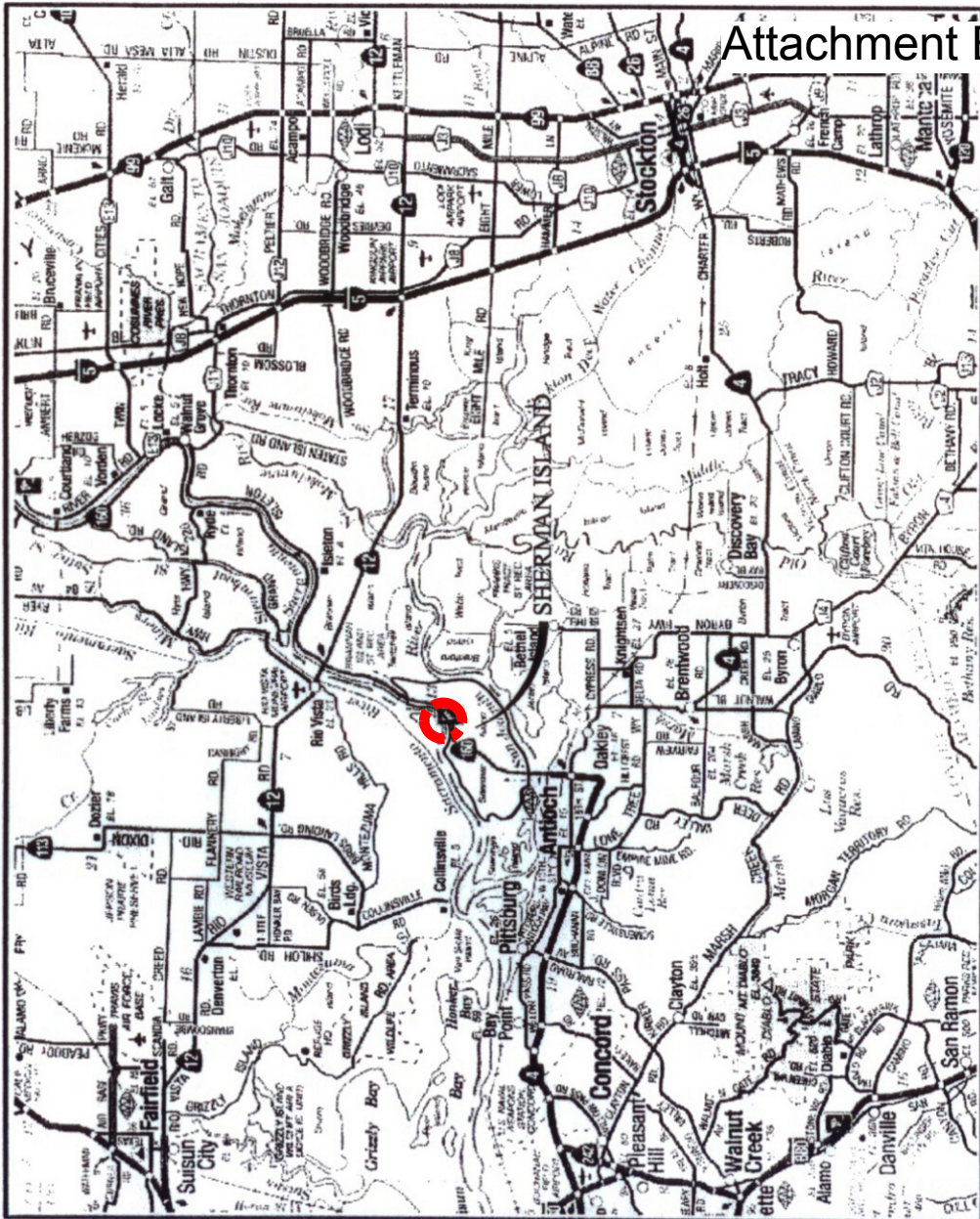
**NINETEEN:** The project site shall be graded and restored to at least the same condition that existed

prior to commencement of work.

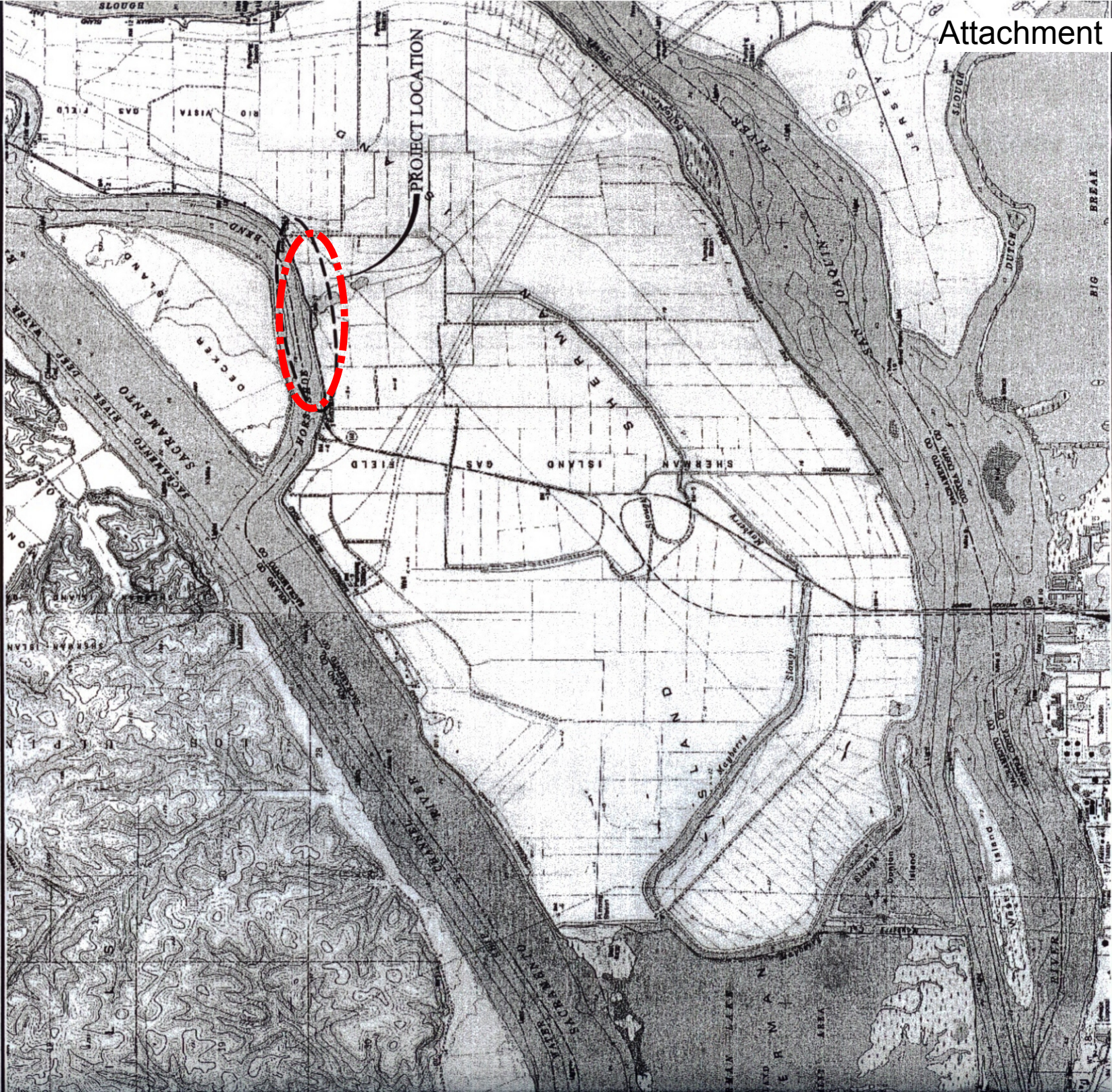
TWENTY: Disturbed work areas on the levee and 10 feet landward of the levee toe shall be compacted to at least the density of the adjacent, firm, undisturbed material.

TWENTY-ONE: Maintenance practices for vegetation following the clearing and grubbing project shall conform to standards contained in Section 131 of the Central Valley Flood Protection Board's Regulations.

TWENTY-TWO: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated January XX, 2009, which is attached to this permit as Exhibit A and is incorporated by reference.







LOCATION MAP  
SCALE 1" = 2000



Attachment to Application for Reclamation Board Encroachment Permit



Vegetation to be removed - typical